

In re application of

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Group Art Unit:1614

Serial No.:

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Filed: 3 May 2000

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NEW EPOTHIOLONE DERIVATIVES, PROCESS FOR THEIR PRODUCTION, AND THEIR PHARMACEUTICAL USE

TECH CENTER 1600/2900

**RESPONSE TO ELECTION OF SPECIES** 

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

For:

In response to the Office Action mailed 5 December 2001, and the requirement for an election of species therein, applicants hereby elect the species of Example 1 disclosed on page 182 of the specification which corresponds to the first compound of claim 8 (i.e., (4S, 7R, 8S, 9S, 13Z, 16S (E))-4,8-dihyroxy-7-ethyl-16-(1-methyl-2-(2-methyl-4-thiazolyl) ethenyl)-1-oxa-5,5,9,13-tetramethyl-cyclohexadec-13-ene-2,6-dione (A).

The examiner is encouraged to examine the broadest possible scope of invention indicated by the elected species.

In accordance with M.P.E.P. §803.02, the examiner is reminded that, should no prior art be found which renders the invention of the elected species unpatentable, the search of the remainder of the generic claim(s) should be continued in the same application. It is improper for the PTO to refuse to examine in one application the entire scope of the claims therein unless they lack unity of invention. The generic claims herein have not been alleged to lack unity of invention.

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Favorable action is earnestly solicited.

Respectfully submitted,

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Date: 5 June 2002

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